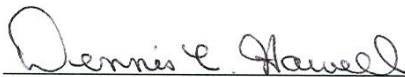




To the extent that Defendant seeks to exclude any additional testimony or evidence in this matter regarding any such disciplinary proceedings, the Court **DENIES without prejudice** the motion [# 151]. The Court **INSTRUCTS** Plaintiff that prior to offering such testimony to inform the Court, and the Court will allow Defendant an opportunity to renew its motion. The Court will then consider the motion in light of the evidence at trial. The Court, however, cautions counsel for Defendant that by eliciting testimony from its witnesses as to this topic, the Court may find that Defendant has opened the door to Plaintiff to present additional evidence and testimony as to any disciplinary proceedings and/or the fact that the marketing agreement was declared illegal.

Signed: January 5, 2015



Dennis L. Howell  
United States Magistrate Judge

